

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Hon. Madeline Cox Arleo
v.	:	Crim. No. 21-807 (MCA)
FRANK VALVANO, JR.	:	<u>ORDER FOR CONTINUANCE</u>

This matter having come before the Court on the joint application of Philip R. Sellinger, United States Attorney for the District of New Jersey (by Katherine J. Calle and Elaine K. Lou, Assistant U.S. Attorneys), and defendant Frank Valvano, Jr. (by John J. O'Reilly, Esq.), for an order granting a continuance of the proceedings in the above-captioned matter from June 2, 2023, through and including September 1, 2023, to permit defense counsel the reasonable time necessary for effective preparation in this matter and to allow the parties to continue plea negotiations; the defendant being aware that he has the right to have this matter brought to trial within 70 days from the filing date (and making public) of the indictment, or from the date of his appearance before a judicial officer of this Court, whichever date last occurs, pursuant to Title 18, United States Code, Section 3161(c)(1); and eight prior continuances having been entered; and the defendant, through his attorney, having consented to such continuance; and it appearing that the defendant waives such rights; and exclusions of time from the Speedy Trial Act having been ordered for the period of December 29, 2021, through and including January 31, 2022, due to the COVID-19 pandemic, pursuant to the Standing Order 2021-11, for the reasons referenced therein; and for good and sufficient cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

- (1) Taking into account the exercise of diligence, the facts of this case require that defense counsel be permitted a reasonable amount of additional time for effective preparation in this matter;
- (2) The grant of a continuance will likely conserve judicial resources;
- (3) Plea negotiations are ongoing, and the parties desire additional time to negotiate a plea agreement, which would render any grand jury proceedings and any subsequent trial of this matter unnecessary;
- (4) The defendant has consented to the above-referenced continuance; and
- (5) As a result of the foregoing, pursuant to Title 18, United States Code, Section 3161(h)(7), the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, therefore, on this 6th day of June, 2023,

ORDERED that this action be, and hereby is, continued from June 2, 2023, through and including September 1, 2023,

ORDERED that the period from June 2, 2023, through and including September 1, 2023, shall be excludable in computing time under the Speedy Trial Act of 1974; and it is further

ORDERED that nothing in this Order or the application prompting it is a finding or representation that less than 71 non-excludable days under § 3161(h) have expired.



HONORABLE MADELINE COX ARLEO
UNITED STATES DISTRICT JUDGE

Form and entry consented to:



ELAINE K. LOU
KATHERINE J. CALLE
Assistant U.S. Attorneys



JOHN J. O'REILLY
Counsel for defendant Frank Valvano, Jr.